

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,	§ § §
Plaintiff,	§ § §
v.	§ Case No. 1:18-CV-04309-RWS
FRANCISCO ABELLAN VILLENA, GUILLERMO CIUPIAK, JAMES B. PANTHER, and FAIYEZ DEAN,	§ § § §
Defendants.	§

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**MOTION TO SEAL**

The United States of America (the “Government”), by and through its undersigned attorneys, hereby moves that this Court issue an order providing (1) that the Notice of Motion to Intervene and Stay Proceedings, the accompanying motion and memorandum of law, and the accompanying proposed form of order be filed under seal; (2) that the accompanying declaration of Trial Attorney Michelle Pascucci be filed *ex parte* and under seal; and (3) that any order filed by the Court responsive to the aforementioned submissions be filed under seal.

Sealing these materials is necessary because they contain information related to an ongoing criminal investigation, the public disclosure of which could hamper or impair law enforcement and jeopardize the investigation. Sealing is also necessary to avoid possible prejudice to the ongoing investigation.

The Court has the inherent power to seal court filings when appropriate. *See Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978). The Court may also seal filings to prevent serious jeopardy to an ongoing criminal investigation where, as here, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the information. *See United States v.*

*Park*, 619 F. Supp. 2d 89, 94 (S.D.N.Y. 2009) (denying motion to unseal where doing so would reveal “the subject matter and status” of an ongoing criminal investigation).

WHEREFORE, it is respectfully requested that the motion to seal is granted.

Dated: February 6, 2019

Respectfully submitted,

ROBERT ZINK  
Acting Chief, Fraud Section

BY: /s/ Michelle Pascucci  
Michelle Pascucci  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 6, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send notification to counsel of record.

Respectfully submitted,

**ROBERT ZINK**  
Acting Chief, Fraud Section

BY: /s/  
MICHELLE PASCUCCI  
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